

## **REMARKS**

### **Examiner Interview**

Applicant thanks Examiner David Ometz for the telephonic interview on September 12, 2007 in which the Examiner and Applicant's counsel discussed the status of the present Office Action. Examiner Ometz confirmed that the present Office Action is non-final and that the "Final" paragraph on page 14 was erroneous.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103***

#### **Claims 1-16, 18, and 19**

Claims 1-16, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Acharya, U.S. Patent No. 6,108,453 (previously cited), Kamei et al., U.S. Patent 5,528,698 (previously cited), and Cheatle et al., U.S. Patent Application No. 2004/0258327. Cheatle qualifies as prior art only under 35 U.S.C. § 102(e) because it published after Applicant's filing date. Applicant does not admit that Cheatle is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination of Acharya, Kamei and Cheatle does not teach or suggest each and every limitation of Applicant's invention as claimed in claims 1-16, 18, and 19.

Acharya discloses enhancing a raw image by combining an enhanced map of the image with an approximated version of the image.

Kamei discloses processing a grayscale image by applying intensity mapping functions to the raw grayscale image to obtain image edge information.

Cheatle discloses an image capture system that transforms a set of image tiles into a corrected composite image. The system computes the image intensity for each pixel of the new composite image using bi-linear interpolation on the corresponding pixels in the original image tiles.

In independent claims 1, 6, 11, and 16, Applicant claims approximating a brightness map from a bi-linear interpolation of a raw image. The Examiner admits that

neither Acharya nor Kamei discloses approximating a brightness map from a bi-linear interpolation of the raw image, but asserts that Cheatle does. The Examiner appears to be equating the original image tiles in Cheatle to Applicant's raw image. However, Cheatle only discloses computing the image intensity for the new composite image pixels from the corresponding pixels of the original image tiles. Cheatle does not disclose computing an image intensity for the pixels of the original image tiles. Thus, Cheatle cannot be properly interpreted as teaching or suggesting approximating a brightness map for the original image tiles. Furthermore, Cheatle does not disclose that the original image tiles are, or are part of, raw images. Therefore, Cheatle does not teach or suggest approximating a brightness map from a bi-linear interpolation of a raw image as claimed by Applicant.

Accordingly, the combination of Acharya, Kamei, and Cheatle cannot render obvious Applicant's claims 1, 6, 11 and 16, and claims 2-5, 7-10, 12-15, 18 and 19 that depend from them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

#### **Claims 17 and 20**

Claims 17 and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Acharya, Kamei, Cheatle, and Lathrop et al. US Patent No. 6,288,743 (previously cited). Applicant respectfully submits that the combination of Acharya, Kamei, Cheatle and Lathrop does not teach or suggest each and every limitation of Applicant's invention as claimed in claims 17 and 20.

Lathrop discloses an electronic still camera that processes raw captured images into finished files. The raw captured image is initially processed by a demosaicing step to generate a full color image (referred to in Lathrop as a "color filter array interpolation"). The image is subsequently subjected to edge enhancements before being stored in the camera's nonvolatile memory.

Claims 17 and 20 depend from independent claim 16. However, none of Acharya, Kamei, or Cheatle teach or suggest approximating a brightness map from a bi-linear interpolation of the raw image as claimed in independent claim 16. Lathrop is directed towards demosaicing a raw image to produce a full color image, and also does not

disclose the claimed limitation. Therefore, the combination of Acharya, Kamei, Cheatle and Lathrop cannot render obvious Applicant's invention as claimed in claims 17 and 20. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

### **SUMMARY**

Claims 1-20 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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